

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Robert PANTON,

*Petitioner,*

v.

WILLIAM JOYCE, *et al.*,

*Respondents.*

Civil Action No. 1:25-CV-02451

DECLARATION OF ASSISTANT FIELD OFFICE  
DIRECTOR ALBERTO MORALES

Pursuant to 28 U.S.C. § 1746, I, Alberto Morales, hereby declare as follows:

1. I am employed with the U.S. Immigration and Customs Enforcement (“ICE”), Enforcement Removal Operations (ERO) within the U.S. Department of Homeland Security (“DHS”). I am an Assistant Field Office Director at 26 Federal Plaza, New York, NY. I have served in this capacity since September 2017. As Assistant Field Office Director, I oversee matters related to the removal of aliens in immigration proceedings.
2. I have prepared this declaration in connection with a Petition for a Writ of Habeas Corpus filed by the petitioner, Robert Panton (Panton). Panton has been assigned the following Alien Number: 031-257-320. I make this declaration in my official capacity and the following representations are based on my review of Panton’s administrative file, consultation with my colleagues, and ICE electronic records and databases.
3. Panton is a native and citizen of Jamaica who was admitted to the United States as a lawful permanent resident on October 28, 1970.
4. On May 25, 1994, Panton was convicted in the United States District Court, Southern District of New York of the offense of Conspiracy to Possess with Intent to Distribute

Heroin, in violation of 21 U.S.C. §§812, 841(a)(1), 841(b)(1)(A), 846. Pantón was sentenced to life imprisonment.

5. On August 4, 2020, the United States District Court, Southern District of New York granted Pantón's motion to reduce his sentence to time served plus one week pursuant to 18 U.S.C. § 3582(c)(1)(A).
6. On August 11, 2020, Pantón was taken into ICE custody in Kentucky immediately following his release from the Bureau of Prisons and personally served with a Notice to Appear (NTA), charging him as removable from the United States pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii) for having been convicted of an aggravated felony as defined in 8 U.S.C. § 1101(a)(43)(B) and 8 U.S.C. § 1227(a)(2)(A)(ii) for having been convicted of an aggravated felony as defined in 8 U.S.C. § 1101(a)(43)(U). The NTA is attached as **Exhibit A**.
7. Based on the charges in the NTA, ICE determined that Pantón was subject to mandatory detention and was held without bond pursuant to 8 U.S.C. § 1226(c)(1)(B) for having been convicted of an aggravated felony under 8 U.S.C. § 1227(a)(2)(A)(iii).
8. The initial master calendar hearing was held on August 28, 2020. At this hearing Pantón appeared *pro se* and was granted a continuance to retain an attorney. Pantón also appeared *pro se* in two subsequent master calendar hearings, September 11, 2020, and October 1, 2020. Both hearings were continued to allow Pantón the opportunity to retain an attorney.
9. On October 27, 2020, the Immigration Judge sustained the charge of removability related to the aggravated felony conviction as defined in 8 U.S.C. § 1101(a)(43)(U). The other charge of removability was withdrawn by DHS. Pantón claimed fear of returning to

Jamaica, and he was provided with, and he later filed, Form I-589, Application for Asylum, Withholding of Removal and Protection under the Convention Against Torture.

10. On January 27, 2021, Panton's individual hearing was held. He was represented by an attorney. After completion of testimony, the Immigration Judge denied all applications for relief and terminated Panton's legal permanent resident status. Panton was ordered removed to Jamaica on January 27, 2021. The Immigration Judge's order is attached as **Exhibit B**.
11. On February 10, 2021, Panton appealed the Immigration Judge's Order of Removal to the Board of Immigration Appeals (BIA).
12. While the BIA appeal was pending, Panton was released from ICE custody on April 30, 2021, under an Order of Recognizance, and he was advised to report to ICE on May 3, 2021.
13. On May 3, 2021, Panton was enrolled onto the Intensive Supervision Appearance Program (ISAP) with GPS ankle monitoring.
14. On June 23, 2021, the BIA dismissed Panton's appeal of the Immigration Judge's order of removal. The BIA decision is attached as **Exhibit C**.
15. On July 22, 2021, Panton filed a petition for review of the BIA's decision with the United States Court of Appeals for the Seventh Circuit.
16. On August 26, 2021, Panton filed a request for deferred action with ICE. This request was granted on October 1, 2021, for a period of one year, with an expiration date of September 30, 2022.
17. On February 8, 2022, Panton filed a request for deferred action with ICE; that request for deferred action was denied on September 6, 2022. The denial document is attached as **Exhibit D**.

18. On September 16, 2022, Pantón filed Form I-246, Application for Stay of Deportation or Removal (Form I-246), with ICE. In light of his then-pending petition for review, that request was granted on September 27, 2022, for a period of one year. The decision document is attached as **Exhibit E**.
19. On December 21, 2022, Pantón was placed on Order of Supervision (“OSUP”), which superseded his prior Order of Recognizance. The Order of Supervision imposed several conditions including appearing in person at a designated date, time and place upon ICE’s request and assisting ICE with obtaining any necessary travel documents. The OSUP is attached as **Exhibit F**.
20. On June 15, 2023, the United States Court of Appeals for the Seventh Circuit denied Pantón’s Petition for Review.
21. On August 15, 2023, Pantón filed another Form I-246 and a request to consider deferred action with ICE. On August 25, 2023, the request for stay of removal and deferred action was denied. Pantón was granted, at ICE’s discretion, until March 26, 2024, the opportunity to arrange for his removal. This opportunity was contingent on Pantón reporting to ICE on September 27, 2023, for evaluation and placement on Alternative to Detention (ATD) program with GPS monitoring. The decision document is attached as **Exhibit G**.
22. On September 27, 2023, Pantón was placed in full-service GPS monitoring until verification of his departure from the United States. On October 31, 2023, Pantón’s GPS monitoring was removed, at his request based on medical complaints. Pantón was then placed on a different ATD program.
23. On January 5, 2024, Pantón renewed his request for deferred action or in the alternative a stay of removal (Form I-246). This request was based on a pending I-918, Petition for U

Nonimmigrant Status, filed with U.S. Citizenship and Immigration Services (USCIS) on December 22, 2023.

24. On January 10, 2024, ICE approved Panton's request for deferred action until September 26, 2024. The decision document is attached as **Exhibit H**.
25. On April 12, 2024, Panton filed a Motion to Reopen (MTR) immigration proceedings with the BIA. Panton's MTR remains pending with the BIA.
26. On August 22, 2024, ICE received a new request for deferred action or in the alternative a stay of removal (Form I-246).
27. On September 25, 2024, ICE granted the request for deferred action. Panton was granted deferred action until March 25, 2025. He was required to report in person at 26 Federal Plaza on March 25, 2025. The decision document is attached as **Exhibit I**.
28. On January 6, 2025, Panton renewed his request for extension of deferred action.
29. On February 5, 2025, ICE Health Service Corps ("IHSC") issued a determination that research into the availability of health care specific to Panton's medical needs has been conducted, and that such available care was able to be identified in Jamaica.
30. On March 25, 2025, Panton's request for extension of deferred action was denied. The denial is attached as **Exhibit J**.
31. Also on March 25, 2025, ICE arrested Panton at his scheduled check-in at 26 Federal Plaza, New York NY. Panton was served with a Notice of Revocation of Release informing him that he will be kept in ICE custody pursuant to the outstanding order of removal issued on January 27, 2021. Panton was also given an informal interview upon revocation under 8 C.F.R. § 241.4(l) and 8 C.F.R. § 241.13(i). The Notice of Revocation of Release is attached as **Exhibit K**.

32. On March 25, 2025, IHSC medically cleared Pantón for custody. Bed space was requested at Orange County Jail as well as the Buffalo Service Processing Center. After review of Pantón's medical records and consideration of whether they could accommodate him, Orange County Jail declined the request and the Buffalo Service Processing Center approved the request.
33. On March 25, 2025, Pantón filed a motion with the BIA seeking an emergency stay of removal. This motion remains pending with the BIA.
34. On March 25, 2025, Pantón was transferred to Batavia, NY for detention at Buffalo Service Processing Center. ICE has agreed to keep Pantón at Batavia while awaiting removal and will, when permitted and able, remove him as soon as practicable directly from Batavia.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed at New York, NY  
This Friday, March 28, 2025

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Alberto Morales  
Assistant Field Office Director  
U.S. Immigration Customs Enforcement  
U.S. Department of Homeland Security